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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/718,803

11/24/2003

Satoshi Iijima

0505-1261P

3478

2292

7590

05/09/2005

BIRCH STEWART KOLASCH & BIRCH  
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EXAMINER

FLEMING, FAYE M

ART UNIT

PAPER NUMBER

3616

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/718,803

Applicant(s)

IIJIMA ET AL.

Examiner

Faye M. Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 9-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hosono, et al. (JP10035564A).

Hosono teaches an air bag apparatus for a motorcycle including an air bag 14 comprising a pair of restraining belts 18 at a right and a left side of the motorcycle, the pair of restraining belts being stored in a vehicle body when the air bag is in a folded state and come into a state of tension on both exterior sides at the right and the left of the operator on the seat when the air bag expands, wherein the air bag and a vehicle body to the rear of the seat are linked via the pair of restraining belts. Hosono teaches a vehicle body cover 6 constituting the vehicle body together with a vehicle body frame having a head pipe on a front end thereof, the head pipe supporting a front fork in an orientation-manipulative manner wherein a front cover, which covers a circumference of the head pipe, and an air bag housing 12. The vehicle body cover comprises, in addition to the front cover, a pair of leg shields (see figure 1) at the right and left, the leg shields being joined with both right and left sides of the front cover, respectively, a pair of footrest sections, at the right and left connecting, respectively, to the leg shields,

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and a rear cover 3 (see figure 1) jointed with the footrest sections wherein the restraining belts, an end of which is fixedly linked with the air bag and another end of which is linked with the rear cover, are stored in a pair of storage grooves at the right and left, which are provided over along the front cover, the leg shields, the footrest sections and the rear cover, in such a manner for allowing the restraining belts to be pulled out, in response to a tension thereof, with expansion of the air bag. The pair of restraining belts include a substantially central portion that is stored and positioned to be adjacent to the air bag when the air bag is a folded state and is released to be disposed in proximity to the air bag and in front of the operator in the expanded condition. The pair of restraining belts each includes a first end, a central portion and a second end, the first and second ends being secured to the vehicle body. The motorcycle is a motorscooter having an open area disposed between a steering handlebar and the seat.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 8, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosono, et al. (JP10035564A) in view of Hosono, et al. (JP11278342A).

Hosono ('564) teaches the claimed invention except for a shock detecting sensor. Hosono ('342) teaches a motorcycle comprising a shock detecting sensor for detecting when a shock not smaller than a predetermined value is applied to the motorcycle for actuating the air bag in response thereto, wherein the shock detecting sensor is an acceleration sensor. Based on the teachings of Hosono ('342), it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Hosono ('564) to include a shock detecting sensor to provide the inflator with a signal in order to inflate the airbag upon a collision.

5. Claims 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosono, et al. (JP10035564A) in view of Tschaeschke (6,000,715).

Hosono teaches the claimed invention except for restraining net. Tschaeschke teaches head protecting curtain comprising a restraining net. Based on the teachings of Tschaeschke, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the restraining belt of Hosono to a restraining net to provide a larger area of protection for the operator of the motorcycle during a collision.

6. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosono, et al. (JP10035564A) in view of Tschaeschke (6,000,715), further in view of Hosono, et al. (JP11278342A).

Hosono ('564) in view of Tschaeschke teaches the claimed invention except for a shock detecting sensor. Hosono ('342) teaches a motorcycle comprising a shock

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detecting sensor for detecting when a shock not smaller than a predetermined value is applied to the motorcycle for actuating the air bag in response thereto, wherein the shock detecting sensor is an acceleration sensor. Based on the teachings of Hosono ('342), it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Hosono ('564) and Tschaeschke to include a shock detecting sensor to provide the inflator with a signal in order to inflate the airbag upon a collision.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye M. Fleming whose telephone number is (571) 272-6672. The examiner can normally be reached on M-F (9:00-5:00).

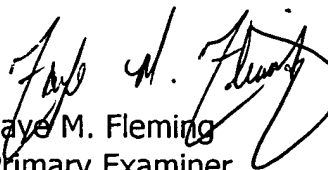
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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 05/04/05  
Faye M. Fleming  
Primary Examiner  
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fmf